

1 AN ACT concerning transportation.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Illinois Vehicle Code is amended by changing  
5 Section 6-305 as follows:

6 (625 ILCS 5/6-305) (from Ch. 95 1/2, par. 6-305)

7 Sec. 6-305. Renting motor vehicle to another.

8 (a) No person shall rent a motor vehicle to any other  
9 person unless the latter person, or a driver designated by a  
10 nondriver with disabilities and meeting any minimum age and  
11 driver's record requirements that are uniformly applied by the  
12 person renting a motor vehicle, is then duly licensed hereunder  
13 or, in the case of a nonresident, then duly licensed under the  
14 laws of the State or country of his residence unless the State  
15 or country of his residence does not require that a driver be  
16 licensed.

17 (b) No person shall rent a motor vehicle to another until  
18 he has inspected the drivers license of the person to whom the  
19 vehicle is to be rented, or by whom it is to be driven, and  
20 compared and verified the signature thereon with the signature  
21 of such person written in his presence unless, in the case of a  
22 nonresident, the State or country wherein the nonresident  
23 resides does not require that a driver be licensed.

1 (c) No person shall rent a motorcycle to another unless the  
2 latter person is then duly licensed hereunder as a motorcycle  
3 operator, and in the case of a nonresident, then duly licensed  
4 under the laws of the State or country of his residence, unless  
5 the State or country of his residence does not require that a  
6 driver be licensed.

7 (c-1) A rental car company that rents a motor vehicle shall  
8 ensure that the renter is provided with an emergency telephone  
9 number to personnel capable of fielding roadside assistance and  
10 other customer service inquiries, including the ability to  
11 provide the caller with the telephone number of the location  
12 from which the vehicle was rented, if requested by the caller.  
13 If an owner's manual is not available in the vehicle at the  
14 time of the rental, an owner's manual for that vehicle or a  
15 similar model shall be accessible by the personnel answering  
16 the emergency telephone number for assistance with inquiries  
17 about the operation of the vehicle.

18 (d) (Blank).

19 (e) (Blank).

20 (f) Subject to subsection (l), any person who rents a motor  
21 vehicle to another shall only advertise, quote, and charge a  
22 rental rate that includes the entire amount except taxes and a  
23 mileage charge, if any, which a renter must pay to hire or  
24 lease the vehicle for the period of time to which the rental  
25 rate applies. The person must provide, on the request of the  
26 renter, based on the available information, an estimated total

1 of the daily rental rate, including all applicable taxes, fees,  
2 and other charges, or an estimated total rental charge, based  
3 on the return date of the vehicle noted on the rental  
4 agreement. Further, if the rental agreement does not already  
5 provide an estimated total rental charge, the following  
6 statement must be included in the rental agreement:

7 "NOTICE: UNDER ILLINOIS LAW, YOU MAY REQUEST, BASED ON  
8 AVAILABLE INFORMATION, AN ESTIMATED TOTAL DAILY RENTAL  
9 RATE, INCLUDING TAXES, FEES, AND OTHER CHARGES, OR AN  
10 ESTIMATED TOTAL RENTAL CHARGE, BASED ON THE VEHICLE RETURN  
11 DATE NOTED ON THIS AGREEMENT."

12 Such person shall not charge in addition to the rental  
13 rate, taxes, and mileage charge, if any, any fee which must be  
14 paid by the renter as a condition of hiring or leasing the  
15 vehicle, such as, but not limited to, required fuel or airport  
16 surcharges, nor any fee for transporting the renter to the  
17 location where the rented vehicle will be delivered to the  
18 renter. In addition to the rental rate, taxes, and mileage  
19 charge, if any, such person may charge for an item or service  
20 provided in connection with a particular rental transaction if  
21 the renter can avoid incurring the charge by choosing not to  
22 obtain or utilize the optional item or service. Items and  
23 services for which such person may impose an additional charge  
24 include, but are not limited to, optional insurance and  
25 accessories requested by the renter, service charges incident  
26 to the renter's optional return of the vehicle to a location

1 other than the location where the vehicle was hired or leased,  
2 and charges for refueling the vehicle at the conclusion of the  
3 rental transaction in the event the renter did not return the  
4 vehicle with as much fuel as was in the fuel tank at the  
5 beginning of the rental.

6 (g) Every person renting a motor vehicle to another shall  
7 keep a record of the registration number of the motor vehicle  
8 so rented, the name and address of the person to whom the  
9 vehicle is rented, the number of the license, if any, of said  
10 latter person, and the date and place when and where the  
11 license, if any, was issued. Such record shall be open to  
12 inspection by any police officer or designated agent of the  
13 Secretary of State.

14 (h) A person licensed as a new car dealer under Section  
15 5-101 of this Code shall not be subject to the provisions of  
16 this Section regarding the rental of private passenger motor  
17 vehicles when providing, free of charge, temporary substitute  
18 vehicles for customers to operate during a period when a  
19 customer's vehicle, which is either leased or owned by that  
20 customer, is being repaired, serviced, replaced or otherwise  
21 made unavailable to the customer in accordance with an  
22 agreement with the licensed new car dealer or vehicle  
23 manufacturer, so long as the customer orally or in writing is  
24 made aware that the temporary substitute vehicle will be  
25 covered by his or her insurance policy and the customer shall  
26 only be liable to the extent of any amount deductible from such

1 insurance coverage in accordance with the terms of the policy.

2 (i) This Section, except the requirements of subsection  
3 (g), also applies to rental agreements of 30 continuous days or  
4 less involving a motor vehicle that was delivered by an out of  
5 State person or business to a renter in this State.

6 (j) A public airport may, if approved by its local  
7 government corporate authorities or its airport authority,  
8 impose a customer facility charge upon customers of rental car  
9 companies for the purposes of financing, designing,  
10 constructing, operating, and maintaining consolidated car  
11 rental facilities and common use transportation equipment and  
12 facilities, which are used to transport the customer,  
13 connecting consolidated car rental facilities with other  
14 airport facilities.

15 Notwithstanding subsection (f) of this Section, the  
16 customer facility charge shall be collected by the rental car  
17 company as a separate charge, and clearly indicated as a  
18 separate charge on the rental agreement and invoice. Facility  
19 charges shall be immediately deposited into a trust account for  
20 the benefit of the airport and remitted at the direction of the  
21 airport, but not more often than once per month. The charge  
22 shall be uniformly calculated on a per-contract or per-day  
23 basis. Facility charges imposed by the airport may not exceed  
24 the reasonable costs of financing, designing, constructing,  
25 operating, and maintaining the consolidated car rental  
26 facilities and common use transportation equipment and

1 facilities and may not be used for any other purpose.

2 Notwithstanding any other provision of law, the charges  
3 collected under this Section are not subject to retailer  
4 occupation, sales, use, or transaction taxes.

5 (k) When a rental car company states a rental rate in any  
6 of its rate advertisements, its proprietary computer  
7 reservation systems, or its in-person quotations intended to  
8 apply to an airport rental, a company that collects from its  
9 customers a customer facility charge for that rental under  
10 subsection (j) shall do all of the following:

11 (1) Clearly and conspicuously disclose in any radio,  
12 television, or other electronic media advertisements the  
13 existence and amount of the charge if the advertisement is  
14 intended for rentals at an airport imposing the charge or,  
15 if the advertisement covers an area with multiple airports  
16 with different charges, a range of amounts of customer  
17 facility charges if the advertisement is intended for  
18 rentals at an airport imposing the charge.

19 (2) Clearly and conspicuously disclose in any print  
20 rate advertising the existence and amount of the charge if  
21 the advertisement is intended for rentals at an airport  
22 imposing the charge or, if the print rate advertisement  
23 covers an area with multiple airports with different  
24 charges, a range of amounts of customer facility charges if  
25 the advertisement is intended for rentals at an airport  
26 imposing the charge.

1           (3) Clearly and conspicuously disclose the existence  
2           and amount of the charge in any telephonic, in-person, or  
3           computer-transmitted quotation from the rental car  
4           company's proprietary computer reservation system at the  
5           time of making an initial quotation of a rental rate if the  
6           quotation is made by a rental car company location at an  
7           airport imposing the charge and at the time of making a  
8           reservation of a rental car if the reservation is made by a  
9           rental car company location at an airport imposing the  
10          charge.

11          (4) Clearly and conspicuously display the charge in any  
12          proprietary computer-assisted reservation or transaction  
13          directly between the rental car company and the customer,  
14          shown or referenced on the same page on the computer screen  
15          viewed by the customer as the displayed rental rate and in  
16          a print size not smaller than the print size of the rental  
17          rate.

18          (5) Clearly and conspicuously disclose and separately  
19          identify the existence and amount of the charge on its  
20          rental agreement.

21          (6) A rental car company that collects from its  
22          customers a customer facility charge under subsection (j)  
23          and engages in a practice which does not comply with  
24          subsections (f), (j), and (k) commits an unlawful practice  
25          within the meaning of the Consumer Fraud and Deceptive  
26          Business Practices Act.

1           (1) Notwithstanding subsection (f), any person who rents a  
2 motor vehicle to another may, in connection with the rental of  
3 a motor vehicle to (i) a business renter or (ii) a business  
4 program sponsor under the sponsor's business program, do the  
5 following:

6           (1) separately quote, by telephone, in person, or by  
7 computer transmission, additional charges for the rental;  
8 and

9           (2) separately impose additional charges for the  
10 rental.

11          (m) As used in this Section:

12           (1) "Additional charges" means charges other than: (i)  
13 a per period base rental rate; (ii) a mileage charge; (iii)  
14 taxes; or (iv) a customer facility charge.

15           (2) "Business program" means:

16           (A) a contract between a person who rents motor  
17 vehicles and a business program sponsor that  
18 establishes rental rates at which the person will rent  
19 motor vehicles to persons authorized by the sponsor; or

20           (B) a plan, program, or other arrangement  
21 established by a person who rents motor vehicles at the  
22 request of, or with the consent of, a business program  
23 sponsor under which the person offers to rent motor  
24 vehicles to persons authorized by the sponsor on terms  
25 that are not the same as those generally offered by the  
26 rental company to the public.

1           (3) "Business program sponsor" means any legal entity  
2 other than a natural person, including a corporation,  
3 limited liability company, partnership, government,  
4 municipality or agency, or a natural person operating a  
5 business as a sole proprietor.

6           (4) "Business renter" means, for any business program  
7 sponsor, a person who is authorized by the sponsor to enter  
8 into a rental contract under the sponsor's business  
9 program. "Business renter" does not include a person  
10 renting as:

11           (A) a non-employee member of a not-for-profit  
12 organization;

13           (B) the purchaser of a voucher or other prepaid  
14 rental arrangement from a person, including a tour  
15 operator, engaged in the business of reselling those  
16 vouchers or prepaid rental arrangements to the general  
17 public;

18           (C) an individual whose car rental is eligible for  
19 reimbursement in whole or in part as a result of the  
20 person being insured or provided coverage under a  
21 policy of insurance issued by an insurance company; or

22           (D) an individual whose car rental is eligible for  
23 reimbursement in whole or in part as a result of the  
24 person purchasing motor vehicle repair services from a  
25 person licensed to perform those services.

26       (Source: P.A. 93-118, eff. 1-1-04; 94-717, eff. 12-19-05.)